

REMARKS

By this Amendment, Applicant has amended claims 23, 32, 33, 42, and 44, and cancelled claims 24, 26, 34, 36, and 43. Accordingly, claims 23, 25, 27-33, 35, 37-42, and 44 remain pending and under examination. For the reasons presented herein, Applicant traverses the rejections set forth in the Office Action¹, wherein the Examiner:

(a) rejected claims 33-44 under 35 U.S.C. § 101 as being directed to non-statutory subject matter

(b) rejected claims 23, 24, 26, 28, 29, 33, 34, 36, 38, 39, 43, and 44 under 35 U.S.C. § 102(a) as being anticipated by "The Parlay Group, Parlay Web Services Overview," 10/31/2002, pages 1-21 ("Services Overview");

(c) rejected claims 25, 30-32, 35, 40-42, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Services Overview in view of "The Parlay Group, Parlay Web Services Architecture Comparison," 10/31/2002, pages 1-17 ("Architecture Comparison"); and

(d) rejected claims 27, 37, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Services Overview in view of "The Parlay Group, Parlay Web Services Application Deployment Infrastructure," 10/31/2002, pages 1-21 ("Application Deployment").

Rejection of Claims 33-44 under 35 U.S.C. § 101:

The Office Action asserts that claims 33-44 are directed to non-statutory subject matter. See Office Action, p. 2. In response to this rejection, and without conceding to the Examiner's arguments regarding alleged non-statutory matter, Applicant has amended claim 33 to recite a "communication network" comprising "one or more servers." In addition, Applicant respectfully directs the Examiner's attention to Applicant's disclosure at page 12, which defines a Parlay gateway.

¹ The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

The rejection of claim 43 has been rendered moot by the cancellation of this claim, without prejudice or disclaimer of its subject matter. Applicant submits that the 35 U.S.C. § 101 rejection has been overcome, and accordingly respectfully requests withdrawal of this rejection.

Regarding the 35 U.S.C. § 102(b) Rejection of Claims 23, 24, 26, 28, 29, 33, 34, 36, 38, 39, 43, and 44

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 23, 24, 26, 28, 29, 33, 34, 36, 38, 39, 43, and 44 under 35 U.S.C. § 102(b) as being anticipated by Services Overview. The rejection of claims 24, 26, 34, 36, and 43 has been rendered moot by the cancellation of these claims, without prejudice or disclaimer of their subject matter.

In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in Services Overview. See M.P.E.P. § 2131. Services Overview, however, does not disclose each and every element of Applicant's claimed invention.

As explained, for example, at page 5, lines 18 to 21 of Applicant's specification, a problem in the prior art was to permit Parlay X web services (i.e. telephone network services) to be accessed in a secure and controlled way by software applications deployed in third party administrative domains (e.g. the Internet). Pages 5-6 of Applicant's specification discuss the shortcomings of the prior art.

As figure 3 on page 11 of Services Overview shows, in the prior art the Parlay X application interacts directly with the Parlay Framework via the blocks designated Framework Interface WSDL and Framework Logic. These framework interface interactions are based on complex message exchanges. In order to complete these

interface interactions, the Parlay X application must include the necessary logic to communicate with the Framework. This is in clear contrast to Applicant's claimed:

method for providing access to Parlay X web services
providing WSDL interfaces, said services being deployed in
the domain of a telecommunication operator, by software
applications deployed in third party administrative domains,
comprising the steps of:

providing a Parlay gateway permitting access to said Parlay
X web services, said Parlay gateway comprising a Parlay
framework;

providing a set of modules comprising service interfaces for
said software applications, the modules in said set acting as
proxies in order to perform requests for access to web
services on the framework of said Parlay gateway on behalf
of said software applications; and

configuring the modules in said set for performing
authentication, authorization, and execution requests on said
Parlay gateway on behalf of said software applications
(claim 23, emphases added, with similar recitations in claim
33).

Since Services Overview fails to disclose at least the above quoted recitations of claim 23 (with similar recitations in independent claim 33), Services Overview does not anticipate Applicant's claims 23 and 33. Independent claims 23 and 33 should therefore be allowable. Dependent claims 28, 29, 38, 39, and 44 should also be allowable at least by virtue of their dependence from base claim 23 or 33. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and requests allowance of independent claims 23 and 33, as well as their dependent claims 28, 29, 38, 39, and 44.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 25, 30-32, 35, 40-42, and 44

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 25, 30-32, 35, 40-42, and 44 under 35 U.S.C § 103(a) as being unpatentable over Services Overview in view of Architecture Comparison.

The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Examiner has not properly determined the scope and content of the prior art, at least because he incorrectly interpreted the content of Services Overview and Architecture Comparison. Specifically, neither Services Overview nor Architecture Comparison teaches what the Examiner attributes to them.

Applicant has previously established herein that Services Overview does not teach or suggest each and every element of independent claims 23 and 33. The Office Action's application of Services Overview alone or in combination with Architecture Comparison against the dependent claims does not cure the deficiencies of Services Overview as to independent claims 23 and 33. That is, Services Overview in view of Architecture Comparison, taken alone or in combination, also fails to teach or suggest at least Applicant's above quoted claim recitations. The Office Action's allegations as to Services Overview and the secondary reference with regard to the dependent claims does not address the failure of Services Overview to teach or suggest each and every element of the independent claims, as explained in the previous section.

Dependent claims 25, 30-32, 35, 40-42, and 44 should therefore be allowable at least by virtue of their respective dependence from base claim 23 or 33. Applicant therefore requests withdrawal of this 35 U.S.C. § 103(a) rejection.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 27, 37, and 44

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 27, 37, and 44 under 35 U.S.C § 103(a) as being unpatentable over Services Overview in view of Application Deployment.

Again, the Examiner has not properly determined the scope and content of the prior art, at least because he incorrectly interpreted the content of Services Overview and Application Deployment. Specifically, neither Services Overview nor Application Deployment teaches what the Examiner attributes to them.

Applicant has previously established herein that Services Overview does not teach or suggest each and every element of independent claims 23 and 33. The Office Action's application of Services Overview alone or in combination with Application Deployment against the dependent claims does not cure the deficiencies of Services Overview as to independent claims 23 and 33. That is, Services Overview in view of Application Deployment, taken alone or in combination, also fails to teach or suggest at least Applicant's above quoted claim recitations. The Office Action's allegations as to Services Overview and the secondary reference with regard to the dependent claims does not address the failure of Services Overview to teach or suggest each and every element of the independent claims, as explained in the previous section.

Dependent claims 27, 37, and 44 should therefore be allowable at least by virtue of their respective dependence from base claim 23 or 33. Applicant therefore requests withdrawal of this 35 U.S.C. § 103(a) rejection.

Conclusion

Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending claims 23, 25, 27-33, 35, 37-42, and 44 are neither anticipated nor rendered obvious by the cited references. Accordingly, Applicant requests allowance of the pending claims.

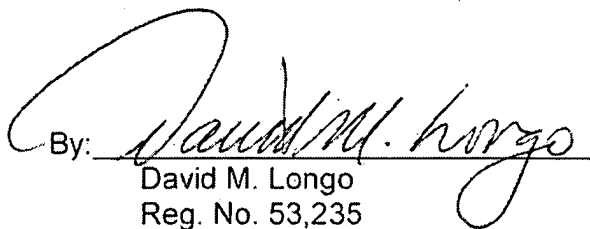
If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 6, 2009

By: 
David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/